

Committee of Thirteen Report

March 13, 2007

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, March 13, 2007 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: Brown, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler,
Stephenson, Summers, Winscott, Wolf, Wozniak

1 Absent: Glass

Others Present: County Judge Gary Black, County Attorney Robin Green, Richard
McComas, Kathy Bannister

Media: Jennifer Turner – Daily Record, Scarlet Simms – Morning News

JP Tim Summers called the meeting to order at 5:00 p.m.

PUBLIC COMMENTS:

James Gately stated as a concerned citizen he wanted to comment on the proposed Nuisance Ordinance, and that since all of this work was driven by concern over raw sewage seeping into Beaver Lake from faulty septic tanks, abandoned vehicles and appliances, he questions the reasoning of the Environmental Committee in withdrawing the clauses covering these concerns. He said if it is a compromise, with whom are they compromising and for what reason. He said if there are state statutes that are not being enforced, then what guarantee does the committee have that these laws will be enforced in the future. He also said the concerns of all citizens should be addressed, and that a carefully written clause needs to be reinstated which covers these concerns without being deflected by questions of aesthetics. He said the Planning Board is still a concern because they are not requiring the condo developers to follow all of the stipulations required of them. He said a group of citizens has met with the Planning Director and urged her to go back through transcripts of the meetings since the stipulation list in the notes is incomplete and there are problems with the tapes. He said that it is his understanding that the transcript is lost because a lawyer in Little Rock has it, but it would seem to him that another transcript could be ordered so that the job could be done properly. He said one of the stipulations was a completion bond which requires the developers to demonstrate that they are financially solvent, and they are concerned because they have not had the cash flow to pay workers who have walked off the job. He said that he is concerned with conflicts of interest on the Planning Board. He asked that the County Judge and this legislature do something to bring accountability to the Planning Board.

Don Day thanked the Environmental Committee for meeting with the Planning Board, and if anyone attended the February 7, 2007 Planning Board meeting they would understand why it has taken so long to get a workable ordinance. He said the process may be tedious, but there is no hurry. He said it is better to have an ordinance that is clear and easily understood and avoid endless appeals. He noted that some of the committee is still insisting that they are the only ones who should hear the appeals. He said he was furnished a copy of the ordinance containing the revisions drafted at the Environmental – Planning Board meeting, and he gave it to Randall Ward who is

doing some polishing on it and will forward it to County Attorney Robin Green. He said he would like the Committee to know that the Madison County Quorum Court sees fit to meet at 6:00 p.m.

NEW BUSINESS:

1. Resolution Request – Authorizing County Judge to Apply for Courthouse Restoration Grant

JP Hill made motion to approve the request and forward a Resolution to the March 22, 2007 Quorum Court meeting, seconded by JP Wolf. JP Summers stated that they have utilized courthouse restoration grants in the past for various projects including the replacement of 280 windows, the roof, and the front steps. He said they have replaced the utilities to the building, and repaired a drainage problem around the basement. Kathy Bannister stated that they will be asking for \$160,000 to be divided in four phases of \$40,000 each. JP Schindler asked if the fire notification system would be covered by this grant. Kathy Bannister stated that this is a separate project for electrical work, and the fire alarms are not included in it. Motion passed by unanimous show of hands vote.

2. Ordinance Request -- Establishing Pleasure Heights Fire District Boundaries

JP Harrison made motion to approve the request and forward an Ordinance to the March 22, 2007 Quorum Court meeting, seconded by JP Wozniak. JP Summers stated that there are two ordinances — one to establish the boundaries and the other to call for the Special Election. He said he did not think there could be anything more fair than establishing the boundary and then letting the people within it decide whether or not they want to pay the dues. JP Winscott stated that the Collector is working on establishing the process for collecting the dues. JP Summers stated that Mark Trollinger, the Pleasure Heights Fire Department Chief, is present if anyone has any questions. Motion passed by unanimous show of hands vote.

3. Ordinance Request -- Calling Special Election to Collect Annual Dues for Pleasure Heights Volunteer Fire Department

JP Winscott made motion to approve the request and forward the Ordinance to the March 22, 2007 Quorum Court meeting, seconded by JP Wozniak. JP Winscott stated that the Fire Department will pay for the election so there will be no cost to the county. Motion passed by unanimous show of hands vote.

4. Ordinance Request: Establishing Hickory Creek Fire District Boundaries

JP Hubbard stated that the Maysville Volunteer Fire District is getting ready to go through the same process, and asked how much money the Collector holds out of the \$40.00 paid in dues. JP Summers stated that the Collector typically holds 2% out of the schools' distribution. JP Hubbard asked if any of the districts overlapped each other. JP Winscott said they do not. JP Winscott stated that three different departments have to process the collection, and that each department takes 2% to offset the cost of collecting the dues. JP Winscott made motion to approve the request and forward the Ordinance to the March 22, 2007 Quorum Court meeting, seconded by JP Stephenson. Motion passed by unanimous show of hands vote.

5. Ordinance Request: Calling Special Election to Collect Annual Dues for Hickory Creek Volunteer Fire Department

JP Winscott made motion to approve the request and forward the Ordinance to the March 22, 2007 Quorum Court meeting, seconded by JP Hill. Motion passed by unanimous show of hands vote.

6. Ordinance Request: 2006 Budget Clean Up

JP Summers stated that they approve various unexpected expenditures throughout the year, and wait until the end of the year to combine them into one ordinance. He said the costs can usually be covered by moving money from another line item within the department. JP Stephenson made motion to approve the request and forward the Ordinance to the March 22, 2007 Quorum Court meeting, seconded by JP Moore. JP Winscott asked why the Sheriff's Office moved \$62,000 from Small Tools to Salaries. Comptroller Richard McComas stated that several deputy positions were added at mid-year. JP Summers stated that only \$34,000 will be needed in total new appropriations in the County General Fund which speaks well for the budgeting process. JP Moore stated that the total in additional appropriations will be a little over \$78,000, and we are getting a little over \$600,000 in returned appropriations. JP Summers stated that if anyone has any questions before the Quorum Court meeting, Richard McComas will be happy to answer them. Motion passed by unanimous show of hands vote.

7. Phil Pumphrey – Ozark Regional Transit Authority: Vision for Northwest Arkansas

Phil Pumphrey, Executive Director of Ozark Regional Transit Authority, spoke concerning the future needs for mass transit in Northwest Arkansas. He said they had a 21.2% increase in ridership in 2006, and have seen a 19% increase in the current fiscal year which ends in September 2007. He said that the 2010 Census will show that the population of the organized area of Northwest Arkansas exceeds 200,000 people, and that will trigger a change in Federal Transit Administration regulations which will shift funding away from operations and into preventive maintenance and capital. He said this will require the community to make a choice, because this change will cause them to lose approximately 30% of their budget. He asked the committee to consider that even though they may not personally use O.R.T., every person they see at a bus stop is on their way to make money, or spend money, or obtain health care. He said that a bigger, improved transit system benefits the local economy and tax base. He said that when companies consider relocation, one of the factors they look at is the public transportation system. He compared Northwest Arkansas to Springfield, Missouri, noting that the Springfield service area covers 52 square miles and a population of 151,000, and O.R.T. covers 76 square miles and a population of 200,000. He said Springfield has operating funds of \$6.6 million and a total budget of \$7.6 million, while O.R.T. has operating funds of \$2.2 million and a total budget of \$2.8 million.

Phil Pumphrey stated that the F.T.A. will not fund a light rail system unless you demonstrate use of mass transit in the corridor, and without a bus system, there would just be more cars driving to the train station. He said transit will also improve air quality. He said that every time new roads are built, developers build near them, and then bypasses are built.

He said the Board of Directors will be having a discussion on the Vision for Northwest Arkansas in the Future on April 19, 2007 at 2:00 p.m. to 5:00 p.m. He said that also on April 19th, Derrick Morris, Deputy Director of the Reno, Nevada Regional Transportation Commission, will talk about the Regional Mobility Act which is currently before the Arkansas Legislature from 6:00 p.m. to 8:00 p.m. at the Springdale Holiday Inn.

Phil Pumphrey distributed copies of O.R.T.'s website homepage, and asked everyone to please complete the online survey and stated that the University of Arkansas Research Center will be conducting a phone survey. He said that several recent surveys have shown that citizens of Northwest Arkansas feel there is a need for more mass transit in the area.

JP Schindler stated that he was shocked to see that they had had to cancel a route from Fayetteville to the Wal-Mart headquarters because there was only one rider, and that executives of large companies in the area should do more to encourage their employees to use the transit system. Phil Pumphrey said that according to the Chamber of Commerce, 20,000 people come into the Bentonville area each day.

JP Hill asked if riders are charged a fee. Phil Pumphrey stated that riders pay \$1.00 on a fixed route, and monthly passes are available at reduced rates for seniors and students. He said they charge \$2.00 per ride for Para transit, because it is a more expensive service to operate. He said the first year that they offered free ride promotions during the Christmas season they saw a 65% increase in ridership and retained 24% of that, although they did not do quite as well this past year. He said O.R.T. is an infant transit system, and their routes are currently 1-hour circuits, which is not conducive to getting people out of their cars. He said during peak times they need more frequent service which will require more funding, and the community will have to decide how to do that. He said the F.T.A. provides seed money to get a system started, and provides a 50/50 match for operations, but preventive maintenance and capital is 20 cents of local money for every 80 cents of Federal money. He said they are going to need more local money, and he does not think it will come from the Quorum Court or the cities. He said once the community develops a vision for what they want in terms of transit, then it is easier to determine how to pay for it.

JP Hobbs asked why the Benton County Sunshine School and the Adult Development Center can provide their own transportation cheaper than using O.R.T. Phil Pumphrey stated there are several reasons, including the need for fewer vehicles and the use of part time drivers who are already employed at the two facilities. He said due to other issues they have had to move away from closed door service.

OTHER BUSINESS:

JP Stephenson asked if any progress has been made toward enacting an ordinance to collect an additional \$5.00 on tickets written in Benton County under Act 1188. County Attorney Robin Green stated that she has reviewed the Act and the ordinance passed in Washington County, and is not aware of any obstacle before the Quorum Court in terms of enacting an ordinance. JP Summers stated that they expect to bring it before the Finance Committee in April.

ANNOUNCEMENTS:

JP Wozniak stated that the Environmental Committee met with Planning Board members on March 6, 2007 and made revisions to the Nuisance Abatement Ordinance. He said the revised version has been sent to the County Attorney for review, and they hope to have it ready for the Committee of Thirteen in April.

JP Wozniak stated that he will be attending the Arkansas Association of Quorum Courts meeting in Little Rock on March 17, 2007.

JP Summers recognized Dan Douglas, who is representing the Farm Bureau along with James Simpson.

JP Summers announced that Downtown Bentonville will host a dinner for the Quorum Court and other Elected Officials following the April 26, 2007 Quorum Court meeting.

County Attorney Robin Green announced that Don Phillips has tendered his resignation from the Benton County Planning Board, effective immediately, and that resignation was accepted by the County Judge.

JP Summers announced that they will be touring the County Jail following adjournment of the meeting.

The meeting was adjourned at 5:48 p.m.